

# EXHIBIT 4

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**From:** McCullough, Matt <MRMcCullough@winston.com>  
**Sent:** Thursday, November 2, 2023 5:03 PM  
**To:** Zhao, Yanan; Sheasby, Jason; Rueckheim, Mike; Park, Ryuk  
**Cc:** #Netlist-Micron294; ~Baxter, Samuel; Jennifer Truelove (jtruelove@McKoolSmith.com); Winston-Micron-Netlist; ce@wsfirm.com; wh@wsfirm.com; andrea@wsfirm.com  
**Subject:** RE: Netlist v. Micron, 22-cv-294 | depositions

Yanan,

Micron agrees both sides may cross reference party deposition transcripts from the -203 case and to both sides dropping the deposition notices you identified below.

Best,  
Matt

**Matthew R. McCullough**

**Of Counsel**

Winston & Strawn LLP

D: +1 650-858-6453

M: +1 989-430-1417

[winston.com](http://winston.com)



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**From:** Zhao, Yanan <yzhao@irell.com>  
**Sent:** Wednesday, November 1, 2023 3:47 PM  
**To:** Sheasby, Jason <JSheasby@irell.com>; Rueckheim, Mike <MRueckheim@winston.com>; McCullough, Matt <MRMcCullough@winston.com>; Park, Ryuk <RPark@winston.com>  
**Cc:** #Netlist-Micron294 <netlist-micron294@irell.com>; ~Baxter, Samuel <sbaxter@mckoolsmith.com>; Jennifer Truelove (jtruelove@McKoolSmith.com) <jtruelove@mckoolsmith.com>; Winston-Micron-Netlist <Winston-Micron-Netlist@winston.com>; ce@wsfirm.com; wh@wsfirm.com; andrea@wsfirm.com  
**Subject:** RE: Netlist v. Micron, 22-cv-294 | depositions

Mike, Ryuk, as discussed during today's meet and confer, the parties agreed to allow cross reference of deposition transcripts from *Micron I*, No. 22-cv-203 matter.

- Netlist: Gail Sasaki, Tobin Hobbs, Chuck Hong, Scott Milton
- Micron: Rob Beal, Scott DeBoer, John Halbert, Boe Holbrook, Kim Ralph, Tyler Morton, Frank Ross, Dave Westergard, David Wilson

Based on that, Micron drops its notices of deposition for Gail Sasaki and Mario Martinez and Netlist agrees to drop its request to depose Malcolm Humphrey, Sujeet Ayyapureddi, Neal Koyle, Bob Brennan, Dean Klein, Darren Young, Michael Myers, Rebecca Carrizosa, Scott Schaefer, and Bryan Martin. Neither party intends to bring these witnesses to trial or designate them as Rule 30(b)(6) corporate representatives.

Please confirm. If this is not Micron's understanding, please immediately let us know.

We will provide a separate summary of other issues discussed during the call.

Best,  
Yanan

**Yanan Zhao**

*Associate*

IRELL & MANELLA LLP

1800 Avenue of the Stars, Suite 900

Los Angeles, CA 90067

DID: 310-277-1010 | [yzhao@irell.com](mailto:yzhao@irell.com)

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**From:** Zhao, Yanan <yzhao@irell.com>  
**Sent:** Tuesday, October 31, 2023 6:52 PM  
**To:** Sheasby, Jason <JSheasby@irell.com>; Rueckheim, Mike <MRueckheim@winston.com>; McCullough, Matt

<[MRMcCullough@winston.com](mailto:MRMcCullough@winston.com)>; Park, Ryuk <[RPark@winston.com](mailto:RPark@winston.com)>

Cc: #Netlist-Micron294 <[netlist-micron294@irell.com](mailto:netlist-micron294@irell.com)>; ~Baxter, Samuel <[sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)>; Jennifer Truelove ([jtruelove@McKoolSmith.com](mailto:jtruelove@McKoolSmith.com)) <[jtruelove@mckoolsmith.com](mailto:jtruelove@mckoolsmith.com)>; Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>; [ce@wsfirm.com](mailto:ce@wsfirm.com); [wh@wsfirm.com](mailto:wh@wsfirm.com); [andrea@wsfirm.com](mailto:andrea@wsfirm.com)

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Mike, with respect to the deposition notices for 294 matter, we can accept this if Micron also agrees to allow cross reference of witness deposition transcripts from *Micron I*. If Micron opposes this, please provide your availability for a lead-and-local meet and confer tomorrow as we've requested in the separate email.

Best,  
Yanan

**Yanan Zhao**

*Associate*

IRELL & MANELLA LLP

1800 Avenue of the Stars, Suite 900

Los Angeles, CA 90067

DID: 310-277-1010 | [yzhao@irell.com](mailto:yzhao@irell.com)

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**From:** Sheasby, Jason <[JSheasby@irell.com](mailto:JSheasby@irell.com)>

**Sent:** Tuesday, October 31, 2023 5:50 PM

**To:** Rueckheim, Mike <[MRueckheim@winston.com](mailto:MRueckheim@winston.com)>; McCullough, Matt <[MRMcCullough@winston.com](mailto:MRMcCullough@winston.com)>; Zhao, Yanan <[yzhao@irell.com](mailto:yzhao@irell.com)>; Park, Ryuk <[RPark@winston.com](mailto:RPark@winston.com)>

**Cc:** #Netlist-Micron294 <[netlist-micron294@irell.com](mailto:netlist-micron294@irell.com)>; ~Baxter, Samuel <[sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)>; Jennifer Truelove ([jtruelove@McKoolSmith.com](mailto:jtruelove@McKoolSmith.com)) <[jtruelove@mckoolsmith.com](mailto:jtruelove@mckoolsmith.com)>; Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>; [ce@wsfirm.com](mailto:ce@wsfirm.com); [wh@wsfirm.com](mailto:wh@wsfirm.com); [andrea@wsfirm.com](mailto:andrea@wsfirm.com)

**Subject:** Re: Netlist v. Micron, 22-cv-294 | depositions

We will confirm the deal as soon as we can.

We cannot agree to you swapping out Mr. Holbrook for Scott Cyr. We will wait if necessary.

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**From:** "Rueckheim, Mike" <[MRueckheim@winston.com](mailto:MRueckheim@winston.com)>

**Date:** Tuesday, October 31, 2023 at 4:43 PM

**To:** Jason Sheasby <[JSheasby@irell.com](mailto:JSheasby@irell.com)>, "McCullough, Matt" <[MRMcCullough@winston.com](mailto:MRMcCullough@winston.com)>, "Zhao, Yanan" <[yzhao@irell.com](mailto:yzhao@irell.com)>, "Park, Ryuk" <[RPark@winston.com](mailto:RPark@winston.com)>

**Cc:** #Netlist-Micron294 <[netlist-micron294@irell.com](mailto:netlist-micron294@irell.com)>, "~Baxter, Samuel" <[sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)>, "Jennifer Truelove ([jtruelove@McKoolSmith.com](mailto:jtruelove@McKoolSmith.com))" <[jtruelove@mckoolsmith.com](mailto:jtruelove@mckoolsmith.com)>, Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>, "[ce@wsfirm.com](mailto:ce@wsfirm.com)" <[ce@wsfirm.com](mailto:ce@wsfirm.com)>, "[wh@wsfirm.com](mailto:wh@wsfirm.com)" <[wh@wsfirm.com](mailto:wh@wsfirm.com)>, "[andrea@wsfirm.com](mailto:andrea@wsfirm.com)" <[andrea@wsfirm.com](mailto:andrea@wsfirm.com)>

**Subject:** RE: Netlist v. Micron, 22-cv-294 | depositions

Not bringing them to trial. Please confirm deal works for Netlist.

Also, we are having significant scheduling issues with Boe Holbrook. We propose designating Scott Cyr as Micron's 30b6 deponent for appropriate DDR topics in the Netlist 294 matter. And we propose designating Scott to testify on behalf of Boe in response to the Court order in the 203 case see snippet copied below. Please confirm if okay for Netlist and we will fast track proposing a date for Scott to be deposed.

## G. Dkt. No. 184

Plaintiff Netlist's Motion to Strike Defendants' September 14, 2023 Supplemental

Response to Interrogatory No. 1 is **GRANTED** to the limited extent that Plaintiff will be granted

leave to take a supplemental deposition of Mr. Holbrook, not to exceed 4 hours in length on

issues relating to the supplemental interrogatory answer

**Michael R. Rueckheim**

Partner

Winston & Strawn LLP

D: +1 650-858-6433

M: +1 713-444-4447

[winston.com](http://winston.com)



**From:** Sheasby, Jason <[JSheasby@irell.com](mailto:JSheasby@irell.com)>

**Sent:** Tuesday, October 31, 2023 3:13 PM

**To:** McCullough, Matt <[MRMcCullough@winston.com](mailto:MRMcCullough@winston.com)>; Zhao, Yanan <[yzhao@irell.com](mailto:yzhao@irell.com)>; Park, Ryuk <[RPark@winston.com](mailto:RPark@winston.com)>

**Cc:** #Netlist-Micron294 <[netlist-micron294@irell.com](mailto:netlist-micron294@irell.com)>; ~Baxter, Samuel <[sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)>; Jennifer Truelove ([jtruelove@McKoolSmith.com](mailto:jtruelove@McKoolSmith.com)) <[jtruelove@mckoolsmith.com](mailto:jtruelove@mckoolsmith.com)>; Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>; [ce@wsfirm.com](mailto:ce@wsfirm.com); [wh@wsfirm.com](mailto:wh@wsfirm.com); [andrea@wsfirm.com](mailto:andrea@wsfirm.com)

**Subject:** Re: Netlist v. Micron, 22-cv-294 | depositions

Matt:

Does this mean you will not call any of these witnesses at trial>

From: "McCullough, Matt" <[MRMcCullough@winston.com](mailto:MRMcCullough@winston.com)>

Date: Tuesday, October 31, 2023 at 3:11 PM

To: "Zhao, Yanan" <[yzhao@irell.com](mailto:yzhao@irell.com)>, "Park, Ryuk" <[RPark@winston.com](mailto:RPark@winston.com)>

Cc: #Netlist-Micron294 <[netlist-micron294@irell.com](mailto:netlist-micron294@irell.com)>, "~Baxter, Samuel" <[sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)>, "Jennifer Truelove ([jtruelove@McKoolSmith.com](mailto:jtruelove@McKoolSmith.com))" <[jtruelove@mckoolsmith.com](mailto:jtruelove@mckoolsmith.com)>, Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>, "[ce@wsfirm.com](mailto:ce@wsfirm.com)" <[ce@wsfirm.com](mailto:ce@wsfirm.com)>, "[wh@wsfirm.com](mailto:wh@wsfirm.com)" <[wh@wsfirm.com](mailto:wh@wsfirm.com)>, "[andrea@wsfirm.com](mailto:andrea@wsfirm.com)" <[andrea@wsfirm.com](mailto:andrea@wsfirm.com)>

Subject: RE: RE: Netlist v. Micron, 22-cv-294 | depositions

Yanan,

Micron is willing to drop its request to depose Gail Sasaki and Mario Martinez if Netlist agrees to drop its request to depose Malcolm Humphrey, Sujeet Ayyapureddi, Neal Koyle, Bob Brennan, Dean Klein, Darren Young, Michael Myers, Rebecca Carrizosa, Scott Schaefer, and Bryan Martin.

Please confirm.

Best,  
Matt

Matthew R. McCullough

Of Counsel

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M: +1 989-430-1417

[winston.com](http://winston.com)<<http://www.winston.com>>

[Winston & Strawn LLP]